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February 16, 2007*

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Attorneys for Fertitta Enterprises, Inc.,  
and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

USA SECURITIES, LLC,  
Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

**SECOND AMENDED  
NOTICE OF 2004 EXAMINATION  
OF PERSON MOST  
KNOWLEDGEABLE OF DEBTOR  
USA COMMERCIAL  
MORTGAGE COMPANY and/or  
OF PERSON MOST  
KNOWLEDGEABLE OF  
MESIROW FINANCIAL  
INTERIM MANAGEMENT, LLC  
(Affects USA CM ONLY)**

1 PLEASE TAKE NOTICE THAT on the 20<sup>th</sup> of February, 2007, at 3:30 p.m., at Jones  
2 Vargas, 3773 Howard Hughes Parkway, 3<sup>rd</sup> Floor South, Las Vegas, NV 89169, pursuant to the  
3 Order Allowing 2004 Exam entered on January 29, 2007, a copy of which is attached hereto, the  
4 Estate of Daniel Tabas and Fertitta Enterprises, Inc., by their respective counsel, Jonathan J. Bart,  
5 Esq., and/or Janet L. Chubb, Esq., will orally examine the Person Most Knowledgeable of Debtor  
6 USA Commercial Mortgage Company and/or the Person Most Knowledgeable of Mesirow  
7 Financial Interim Management, LLC, before a Notary Public, or before some other officer  
8 authorized by law to administer oaths. Oral examination will continue from day to day until  
9 completed. You are invited to attend and cross-examine.

10 DATED: February 16<sup>th</sup>, 2007.

11 JONES VARGAS

12  
13 By: //s// Janet L. Chubb  
14 JANET L. CHUBB  
15 LOUIS M. BUBALA III

16 Attorneys for Fertitta Enterprises, Inc.  
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**CERTIFICATE OF SERVICE**

1. On February 16, 2007, I served the following document(s):

**SECOND AMENDED NOTICE OF 2004 EXAM  
OF PERSON MOST KNOWLEDGEABLE  
OF DEBTOR USA COMMERCIAL MORTGAGE COMPANY and/or  
MESIROW FINANCIAL INTERIM MANAGEMENT LLC**

2. I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

■ b. **United States mail, postage fully prepaid** (list persons and addresses):

THOMAS J. ALLISON  
USA COMMERCIAL MORTGAGE ET AL.  
4484 SOUTH PECOS ROAD  
LAS VEGAS, NV 89121

NEVADA MORTGAGE LENDING DIVISION  
OFFICE OF THE COMMISSIONER  
3075 E. FLAMINGO #100  
LAS VEGAS, NV 89121

9 c. **Personal Service** (list persons and addresses):

I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

■ d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

**Frank Merola, Eve Karasik & Christine M. Pajak**  
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**Marc A. Levinson & Lynn Trinko Ernce**  
malevinson@orrick.com; lernce@orrick.com

**Andrew Welcher c/o William E. Winfield,**  
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**Steven C. Strong, & Douglas M. Monson**  
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**August B. Landis**  
Augie.landis@usdoj.gov

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time



after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**9 e. By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

**9 f. By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed blow and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 16<sup>th</sup> day of February, 2007.

\_\_\_\_\_  
Name Tawney Waldo

\_\_\_\_\_  
Signature //s// Tawney Waldo

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